

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:05-CV-00238-GCM**

WILLIAM L. PENDER, et al.,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, et
al.,

Defendants.

ORDER

THIS MATTER is before the Court on its own motion. A status conference was held in this matter on December 3, 2015. Pursuant to discussions at the hearing the Court ordered the parties to submit briefing. The Court hereby directs as follows:

1. Defendant shall file a Memorandum explaining its argument for how the Court should conduct an accounting for profits as required by the Fourth Circuit's opinion in *Pender v. Bank of Am. Corp.*, 788 F.3d 354 (4th Cir. 2015). To the extent that Defendant contends that it retained no profit, it should explain how it arrived at that conclusion. Defendant shall file its Memorandum by December 31, 2015.
2. Plaintiff shall file a Response to Defendant's Memorandum. Plaintiff should respond to Defendant's method of conducting an accounting and present their arguments in support of their proposed alternative. Plaintiffs shall file their Response by January 31, 2016.
3. Defendant shall file its Reply by February 16, 2016.

SO ORDERED.

Signed: December 3, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

